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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,335	03/01/2004	John W. Wall	9518-74633	8999

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BARNES & THORNBURG
11 South Meridian Street
Indianapolis, IN 46204

EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,335

Applicant(s)

WALL, JOHN W.

Examiner

Matthew O Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12 and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-12 and 24-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-1-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 24, 25, 30, 31, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Stockhowe et al.

With respect to claim 10, Stockhowe et al disclose a center tube (see FIG. 10) including a tube body 138 having a number of orifices 162 defined therein, a post (e.g., the cylindrical part disposed between parts 139 and 142) having a first end portion which is secured to the tube body and a second end portion 168 which is configured to be contacted by a detent button, the second end portion of said post including a spheroid-shaped member (e.g., the semi-circular shaped portion).

Concerning claim 24, Stockhowe et al disclose the tube body and post as being integral.

Regarding claim 25, Stockhowe et al disclose the tube body and post as being coaxial.

With respect to claim 30, Stockhowe et al disclose a center tube (see FIG. 10) including a tube body 138 having a number of orifices 162 defined therein, a post (e.g., the cylindrical part disposed between parts 139 and 142) secured to the tube body including a spheroid-shaped member 168 (e.g., the semi-circular shaped portion) configured to be contacted by a detent button.

Regarding claim 31, Stockhowe et al disclose the spheroid shaped member 168 as being spaced apart from the tube body (e.g., by the cylindrical portion disposed between parts 139 and 142).

Concerning claim 34, Stockhowe et al disclose the tube body and post as being coaxial and integral.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12, and 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al in view of Burton.

With respect to claim 10, Wagner et al disclose a center tube including a tube body (e.g., supporting an inner periphery of filter 34, see FIG. 4) having a number of orifices defined therein, a post having a first end portion 40d which is secured to the tube body and a second end portion 118 which is configured to be contacted by a detent button and including a mushroom shaped member. Wagner et al fail to specify the second end portion of the post including a spheroid-shaped member. Burton discloses that the use of a spheroid shaped member 128 to form a releasable connection with a socket including spring arms is known in the art. Burton suggests that such an arrangement provides a secure releasable connection between two elements to be connected. It would have been obvious to have modified the apparatus of Wagner et

al so as to have included a spheroid shaped member as suggested by Burton in order to provide a secure releasable connection between the center tube and cap.

Regarding claim 11, Burton discloses the spheroid shaped member 128 as being configured to be captured by a number of spring arms (see FIGS. 5 and 8).

Concerning claim 12, Burton discloses the spheroid shaped member as being configured to engage a number of cam surfaces defined in each of the spring arms (see FIG. 8).

As to claim 26, Wagner et al disclose the post as including a neck down portion 40d positioned between the first end portion and the member 118 (e.g., since a radius is included at each end of the post).

Regarding claim 27, Wagner et al disclose a perforated sleeve (e.g., within filter 34) and an imperforate sleeve 40b secured to the perforated sleeve and surrounding the post.

Concerning claim 28, Burton discloses an annular flange 40a extending radially outwardly from the imperforate sleeve and surrounding the post.

As to claim 29, Burton discloses the first end portion as being secured to the tube body (e.g., by part 40c) between the perforated sleeve and imperforate sleeve 40b).

With respect to claim 30, Wagner et al disclose a center tube including a tube body (e.g., supporting an inner periphery of filter 34, see FIG. 4) having a number of orifices defined therein, a post 40d secured to the tube body (e.g., via part 40c) and having a mushroom shaped member configured to be contacted by a detent button.

Wagner et al fail to specify a spheroid-shaped member. Burton discloses that the use of

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a spheroid shaped member 128 to form a releasable connection with a socket including spring arms is known in the art. Burton suggests that such an arrangement provides a secure releasable connection between two elements to be connected. It would have been obvious to have modified the apparatus of Wagner et al so as to have included a spheroid shaped member as suggested by Burton in order to provide a secure releasable connection between the center tube and cap.

As to claim 31, Wagner et al disclose the member as being spaced apart from the tube body (e.g., radially inwardly spaced apart from the tube body).

Concerning claim 32, Wagner et al discloses a tube body 40b that surrounds the post 40d.

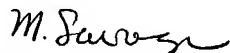
Regarding claim 33, Wagner et al disclose a base 40c secured to an inner surface of the tube body, and a neck down portion (e.g., between the radiused end portions of 40d) interconnecting the base and member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Matthew O Savage
Primary Examiner
Art Unit 1724

mos
November 4, 2004